## REMARKS

### *Election*

Applicants hereby provisionally elect **Group I** (claims 1-2, 4-12, 15-25, and 31), drawn to a method for proliferating cardiomyocytes wherein the factor that inhibits the production, function, or action of Cip/Kip family protein is an encoding protein factor *in vitro* **with traverse**. Applicants reserve the right to file divisional application(s) directed to non-elected subject matter.

### *Restriction Requirement*

The Restriction Requirement required restriction to one of six Groups I-VI, summarized *infra*, which are purportedly distinct inventions under 35 U.S.C. § 121. The Restriction Requirement requires Applicants elect one of the following six (6) allegedly distinct inventions:

Group I: Claims 1-2, 4-12, 15-25, and 31, drawn to a method for proliferating cardiomyocytes comprising a step of introducing (a) cyclin, (b) cyclin-dependent kinase, and (c) one or a plurality of a gene encoding a factor that inhibits the production, function or action of Cip/Kip family protein, or a nucleic acid that inhibits the production of Cip/Kip family protein, into cardiomyocytes, and a step of subsequently culturing or maintaining said cells, wherein said factor is an encoding protein factor **in vitro**.

Group II: Claims 1-2, 4-8, 13-21, 26-28, and 31, drawn to a method for proliferating cardiomyocytes comprising a step of introducing (a) cyclin, (b) cyclin-dependent kinase, and (c) one or a plurality of a gene encoding a factor that inhibits the production, function or action of Cip/Kip family protein, or a nucleic acid that inhibits the production of Cip/Kip family protein, into cardiomyocytes, and a step of subsequently culturing or maintaining said cells, wherein said nucleic acid is siRNA specific to a gene encoding the Cip/Kip family protein **in vitro**.

Group III: Claims 1, 3-12, 15-25, 29-33, drawn to a method for proliferating cardiomyocytes comprising a step of introducing (a) cyclin, (b) cyclin-dependent kinase, and (c) one or a plurality of a gene encoding a factor

that inhibits the production, function or action of Cip/Kip family protein, or a nucleic acid that inhibits the production of Cip/Kip family protein, into cardiomyocytes, and a step of subsequently culturing or maintaining said cells, wherein said factor is an encoding protein factor **in vivo**.

Group IV: Claims 1, 3-8, 13-21, 26-33, drawn to a method for proliferating cardiomyocytes comprising a step of introducing (a) cyclin, (b) cyclin-dependent kinase, and (c) one or a plurality of a gene encoding a factor that inhibits the production, function or action of Cip/Kip family protein, or a nucleic acid that inhibits the production of Cip/Kip family protein, into cardiomyocytes, and a step of subsequently culturing or maintaining said cells, wherein said nucleic acid is siRNA specific to a gene encoding the Cip/Kip family protein **in vivo**.

Group V: Claims 17-25, drawn to a vector comprising (a) a cyclin gene (b) a cyclin-dependent kinase gene, and (c) one or a plurality of a gene encoding a factor that inhibits the production, function, or action of Cip/Kip family protein, or a nucleic acid sequence that inhibits the production of Cip/Kip family protein, wherein said factor is an encoding protein factor.

Group VI: Claims 17-21 and 26-28, drawn to a vector comprising (a) a cyclin gene (b) a cyclin-dependent kinase gene, and (c) one or a plurality of a gene encoding a factor that inhibits the production, function, or action of Cip/Kip family protein, or a nucleic acid sequence that inhibits the production of Cip/Kip family protein, wherein said nucleic acid is siRNA specific to a gene encoding the Cip/Kip family protein.

Applicants respectfully request reconsideration of the restriction requirement in view of the following remarks.

According to PCT Rule 13.2, unity of invention exists between groups of inventions when there is a technical relationship among the claimed inventions involving one or more of the same corresponding special technical features.

The Restriction Requirement asserts that the technical feature of Group I is not shared with Group II, namely Group I does not encompass a nucleic acid that inhibits the production of

Cip/Kip family proteins that is siRNA specific to a gene encoding the Cip/Kip family protein *in vitro*. The Restriction Requirement asserts that since Groups I and II do not share a special technical feature, none of the Groups share a special technical feature.

Applicants respectfully disagree. The special technical feature of claim 1 comprises (a) cyclin, (b) cyclin-dependent kinase, and (c) one or a plurality of a gene encoding a factor that inhibit the production, function or action of Cip/Kip family protein, or a nucleic acid that inhibits the production of Cip/Kip family protein. This special technical feature is shared by each of Groups I, II, III, IV, V, and VI. Indeed, Groups I, II, III, and IV are drawn to a method for proliferating cardiomyocytes comprising a step of introducing (a) cyclin, (b) cyclin-dependent kinase, and (c) one or a plurality of a gene encoding a factor that inhibits the production, function or action of Cip/Kip family protein, or a nucleic acid that inhibits the production of Cip/Kip family protein, into cardiomyocytes either using a factor which is an encoding protein factor *in vivo* or *in vitro* or using a nucleic acid that is siRNA specific to a gene encoding the Cip/Kip family protein *in vivo* or *in vitro*. Furthermore, Groups V and VI are drawn to vectors that comprise (a) cyclin gene, (b) cyclin-dependent kinase gene, and (c) one or a plurality of a gene encoding a factor thats inhibit the production, function or action of Cip/Kip family protein, or a nucleic acid that inhibits the production of Cip/Kip family protein. Accordingly, Groups I, II, III, IV, V, and VI share the same special technical feature.

In light of the above, Applicants respectfully request that the restriction requirement be withdrawn and that all claims be prosecuted in the same patent application. In the event the requirement is made final, and in order to comply with 37 C.F.R. § 1.143, Applicants reaffirm the election **with traverse** of Group I (claims 1-2, 4-12, 15-25, and 31), holding claims 3, 13-14, 26-30, and 32-33 in abeyance under the provisions of 37 C.F.R. § 1.142(b) until final disposition of the elected claims.

## CONCLUSION

Applicants maintain that the restriction requirement is improper and that all pending claims, *i.e.*, claims 1-33, should be examined. If the Examiner believes that prosecution might be advanced by discussing the application with Applicants' representatives, in person or over the telephone, Applicants welcome the opportunity to do so.

Respectfully submitted,
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